

Prosecution in Flood Murder Trial Closes

Judge Nott Denies Motion of Accused Patrolman for Dismissal of All Homicide Allegations in Indictment

Phone Girl Is Witness

Tells How James Cushing, 16, Fell on Tenement Roof With Bullet in His Back

The prosecution closed its case at noon yesterday in the trial of Patrolman Cornelius J. Flood, charged with the murder of sixteen-year-old James Cushing on the roof of a West Fifth Street tenement in July, 1918.

William J. Fallon, counsel for the defense, made a motion for the dismissal of the first degree murder indictment, which was promptly denied by Judge Nott. Motions for the dismissal of all homicide charges in the indictment also were denied.

The only witness called by the prosecution yesterday was Miss Mary Burns, a telephone operator at the Hotel Belmont. She was examined by Mr. Whitman and her story was practically a repetition of what Mrs. Alice Smith Kelly told the jury.

Miss Burns said that she had gone to the roof of a house in West Forty-eighth Street with Miss Kenny the afternoon of the shooting. She described seeing two men near the roof of the house facing on Fifth Street. She said that she saw a group of boys who were engaged in flying pigeons. She said that she saw a bullet hit James Cushing and how he fell with a bullet in his back.

Like the other witnesses called by the prosecution, Miss Burns could not tell how James Cushing got to the roof. She said that she saw a group of boys who were engaged in flying pigeons. She said that she saw a bullet hit James Cushing and how he fell with a bullet in his back.

Judge Nott announced yesterday afternoon that an adjournment would be taken until this morning that Mr. Fallon might have sufficient time to prepare his defense. The court also announced that Mr. Fallon might submit his motions for a dismissal of the first degree murder indictment after the defense had rested its case.

Grand Jury Record Denied Two Indicted Detectives

Motion for Owens and Horan Refused by Judge Crain; Case Now Outside His Jurisdiction

A motion to inspect the minutes of the grand jury which indicted Martin Owens and Thomas J. Horan, acting detectives, for alleged acceptance of unlawful fees was denied today by Judge Thomas C. Crain in the Court of General Sessions. About two weeks ago Judge Crain said that he would grant this permission if by March 10 the prosecution was not filed by the District Attorney agreeing to bring the men to trial beginning with the first week in April.

The mean time former Governor Charles D. W. Martin, who is conducting an investigation into irregularities in the departments, had Justice Vernon A. Davis of the Supreme Court, transfer the cases of these two policemen and other members of the Police Department under indictment to the Supreme Court for trial.

His decision yesterday Judge Crain said that the interests of respect for law and in furtherance of an orderly administration of justice unseemly attacks should be avoided. This would prevent lawyers from making an order of removal pending in the Supreme Court and the consent of the parties that such an order be made does not constitute an admission to make it.

If the so-called order of removal of the action from this court to the Supreme Court is valid then this action could be in this court from the time of the making of such an order. If on the other hand, the so-called order of removal of this action from this court to the Supreme Court was without warrant of law there is a suitable way of presenting for determination the legal questions involved, and such ways should be followed.

For this reason I decline to sign the proposed order.

Fleet to Visit Australasia

AUCKLAND, New Zealand, March 16. Alfred A. Winslow, the American General here, has received a letter from the American Legation in Mexico saying that the American Pacific fleet, including eight battleships, probably will visit Australasia in July.

ADVERTISEMENTS

We Believe Men Will Read This News With Elation

Finkelstein & Maisel, Wholesale Clothing Makers, Announce That They Will Continue Selling Direct to the Public.

News Note: Finkelstein & Maisel, wholesale manufacturers of men's and young men's fine clothing, of 810 Broadway, New York, whose advertising statements relative to threats made against them by certain retail clothing store interests for selling direct to the public, have attracted wide attention, announce their entire spring line of suits and top coats will be sold to the public on the same wholesale price basis charged their retail store trade.

In reaffirming the facts given in the above item, namely, that we will continue selling at wholesale to the public direct, on the same small margin of profit we heretofore charged, the retail store trade, we wish to call special attention to the class of goods we manufacture.

We use only the best kind of wools and trimmings. When we say "best" we mean absolutely the best—100 per cent. virgin wools—the finest we can obtain from the American Woolen, Etna, French-Rivers, Thomas H. Wilson and Wandskuck mills.

And every spring suit or top coat we offer is guaranteed to fit and give the limit of satisfaction. If it doesn't, or you feel that we have not offered you the best value obtainable anywhere in New York, return your purchase and we will refund your money instantly and without argument.

Finkelstein & Maisel

"Makers of Clothes of the Better Kind for Men and Young Men."

FACTORY AND SHOWROOMS (Take Elevator), ONE FLIGHT UP, 810 Broadway, opp. 11th St., N. Y.

Steamer Sinks in Yard

Bermuda Goes Down When Plates Are Removed

The steamship Bermuda, which was undergoing repairs in a shipyard in South Brooklyn, sank yesterday off Columbia Street when several oil plates were removed close to the water line. The freighter El Oriente of the Southern Pacific Line was slightly damaged by fire when a quantity of oil-soaked cotton waste became ignited in the engine room. An alarm was sent in but the fire was under control of the crew when the firemen arrived. A fire also was reported in the engine room of the steamship Brento Lombard, tied up at a pier off Atlantic Avenue, Brooklyn. It was estimated that the vessel was damaged to the extent of about \$20,000.

Jack Munroe at Ellis Island

Former Heavyweight Pugilist Has Passport Difficulties

Jack Munroe, a former heavyweight pugilist of Philadelphia, was detained by the immigration officials yesterday when he arrived on the Cunard liner Albania from London and Cherbourg. Munroe fought in the famous Princess Pat Regiment, and after the war settled in Canada, where he acquired a boxing training program. He intended to leave the Albania at Halifax and for that reason did not arrange to have his passport issued by the American Consul in London.

As he is on his way to Canada it is understood the passport irregularity will be adjusted today, when Munroe will be released.

Negro Shoots Tailor; Flees

Victim Wounded Three Times; Assailant Evades Police

Domestic Marino, thirty-five years old, a tailor, of 212 Second Avenue, was shot and probably mortally wounded late yesterday afternoon in his shop at 329 Spring Street by a negro. Marino was in St. Vincent's Hospital. His assailant escaped.

Marino was alone in his shop when the negro, who is said to have been a customer, entered. A few minutes later six shots were fired, two of them penetrating Marino's abdomen and another his forehead.

The Charles Street police station was notified. Detectives nearby the scene they saw the negro running east in Spring Street.

He was pursued by the detectives and pedestrians, but he ran into a hallway of a tenement in Hudson Street and disappeared.

Columbus, Ohio, Banker Held

In Shortage of \$124,000

COLUMBUS, Ohio, March 16.—Edmund E. Fox, assistant cashier of the National Bank of Commerce, was arrested here this morning on a warrant sworn out by officials of that bank, charging him with embezzling \$100,000, making false entries and converting bank money to his own use.

Philip L. Schneider, president of the bank, issued a statement, saying Fox is \$124,000 short in his accounts and that Fox has refunded \$20,000 of this amount.

Fox pleaded not guilty and was bound over to the Federal grand jury under \$10,000 bond.

Fox, it was said, made private loans of bank money which could not be collected.

New Vocational Board Told

70,550 Men Are Under Training

WASHINGTON, March 16.—The Federal Board for Vocational Education was told at its initial meeting today under the new Administration that 70,550 disabled former soldiers, sailors and marines were under training on March 1. The board elected Secretary of Labor Davis as chairman. Secretaries Wallace of Agriculture and Hoover of Commerce, who are also members of the board, were present. Another meeting will be held March 26.

Harding Notified of Election

As Boy Scouts' Honorary President

WASHINGTON, March 16.—President Harding was formally notified today of his election to another civil executive office, that of honorary president of the Boy Scouts of America.

Colin H. Livingston, of Washington, the active president of the Boy Scouts, Mortimer L. Schiff, of New York, Federal Trade Commissioner Thompson and James E. West, executive secretary of the organization, together with a deputation of the eight highest ranking scouts in Washington, constituted the party which conveyed the notification to the White House.

Charge Doctor Strangled Child

SYRACUSE, N. Y., March 16.—Dr. Henry B. Burton, a prominent physician and surgeon, was arrested today on a charge of first degree murder, following an indictment by the grand jury charging him with strangling to death a one-hour-old child of Mrs. Rosie Finn. The crime is alleged to have been committed March 4, 1918.

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Now note our prices—\$20, \$25, \$30 and \$35—no higher—the same scale we charged the retail store trade heretofore. Figure the usually very high expenses retail stores must meet for ground store rents, elaborate fixtures, high price salesmen, etc., and you will get a fair idea of what we save you.

We also make your suit or coat to order, if desired, using only the very finest grade of materials.

These tremendously important facts deserve your very serious consideration in giving thought to your Easter and spring habits—whether suit or top coat, and especially if you desire something above the ordinary in snap and wear.

Our factory—one flight up—will be open from 8:30 A. M. to 7:30 P. M. during this sale.

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Plumber Tells How He Fought Hettrick Code

Was Happiest Moment of His Life, Fee Testifies, but He Admits Firm Was Member of Association

Partners Overruled Him

Witness Is Militant When Contracts Are Hinted at Reason for Opposition

Frank J. Fee, president of the firm of Wells & Newton, Inc., contracting plumbers, told the jury in Justice John V. McAvoy's branch of the Supreme Court, yesterday how he had gone to the office of John T. Hettrick with the intention of breaking up the whole Hettrick "code of practice" organization, and said that it was the proudest moment of his life.

Fee took the stand in his own defense and proved to be the most militant witness of the trial. He is one of the four remaining defendants who were indicted with Hettrick on charges of violating the state anti-trust laws. The others are John L. Knight, president of the Master Plumbers' Association; the firm of Wells & Newton and Charles A. Murphy, one of its officers. Hettrick and his two labor co-defendants were discharged Tuesday on the ground of double jeopardy.

Fee repeatedly insisted throughout his testimony that he was opposed to the Hettrick scheme, and that his firm went into it against his wishes. His story detailing the attempt to break up the Hettrick organization came while he was under the cross-examination of Special Deputy Attorney General Kenneth M. Spencer. The latter asked him whether his partner, Charles A. Murphy, had informed him that the firm of Cornell & Co. was bidding on the garment center job.

Says He Broke Up Code

"I didn't know anything about it," replied Fee, "and Murphy didn't tell me. As soon as I found out Cornell & Co. had violated the code I went down to Hettrick's office intending to break up his organization. I did it and it was the proudest thing I ever did in my life."

"Why were you so anxious to break it up after losing the garment center job?" asked Mr. Spencer.

"It wasn't because of that," replied Fee; "it was a natural feeling with me. It was against it because it was not practical, or workable."

"But you violated the code in the Straus job, didn't you?" queried Mr. Spencer.

"Yes," answered Fee; "I never intended to live up to it because I was never in it."

"Weren't you a party to it?" "No, it was a party to me. I was in it because Long and Murphy were in it, but Murphy in his heart was opposed to it, and got out the first chance he had."

"Then Mr. Murphy entered into an agreement a moral obligation, without any intention of living up to it?" insisted Mr. Spencer.

"If I weren't under oath," replied Fee, "I would give you my opinion on that, but I'm under oath, and I can't say what I'd like to."

No Encyclopedia, He Says

Mr. Spencer then asked him some questions regarding the job at Forty-first Street and Madison Avenue, Fee, showing anger, replied:

"I'm not an encyclopedia. I can't answer that without my papers. You have had those papers for more than two months and I have been trying to get them."

"Oh! you mean the papers we took from Hettrick's office," said Mr. Spencer. "Well, if they will help you we will get them for you."

Fee testified that on one occasion when he was in Hettrick's office he had asked about the legality of the scheme, and he stated that Hettrick replied:

"The Attorney General has been investigating this office, and two investigators have been here. They have quit the Attorney General's staff and have joined my organization."

Later Fee testified he was introduced to one of these men.

Fee said that when he first went to see Hettrick he told him that he was "was from Missouri" and wanted to be shown. Hettrick told him his time was

valuable, and that if he paid his \$250 and joined he would learn everything and become a member.

"I told him I would never become a member of his organization," said Fee, "and that I would advise my company not to join."

The trial will be continued to-day.

12 More Plead Guilty

In Hettrick Code Case

Eight Individuals and Four Corporations, Bronx Master Plumbers, Acquit Sentence

Eight individuals and four corporations, members of the Bronx Master Plumbers' Association, who were included in a blanket indictment in January for alleged violation of the state anti-trust law, appeared before Justice McAvoy yesterday and pleaded guilty. They had been members of the Bronx group of the Hettrick "code of practice" and their indictment grew out of the Lockwood committee housing investigation.

Justice McAvoy continued the bail of \$2,000 in each case, furnished at the time of the indictment. Those who pleaded guilty will not be sentenced until the case of the remaining defendants have been disposed of. There were thirty-one individuals and corporations named in the indictment.

The grand jury indicted all of the seventy-four corporations and all of the forty individuals included in the indictment handed down March 1 by the United States grand jury, charged with violation of the Sherman anti-trust law in connection with the production and distribution of Portland cement, appeared before Judge John C. Knox and pleaded not guilty. The individuals were released in \$5,000 bail each and given three weeks in which to change their tentative pleas. Their indictment also grew out of the Lockwood housing investigation.

Lone Patrolman Traps

3 Men in Saloon Cellar

Knocks One Out With His Club and Subdues Others, Who Put Up a Fight

After a fight in the cellar of a saloon owned by Thomas Randolph, at 707 Eighth Avenue early yesterday, Patrolman George Murphy, of the West Forty-seventh Street police station, captured three men single-handed. They later were arraigned in the West Side court on charges of burglary. The three, who gave their names as John Lynch, twenty-six years old, of 750 Southern Boulevard, the Bronx; Joseph Farley, twenty-three years old, of 2175 Eighth Avenue, and George Gallagher, also twenty-three years old, of 601 Ninth Avenue, were held in \$3,000 bail each.

Murphy was passing the saloon when he noticed the glass door was broken. After rapping for help he crawled into the saloon and found footprints on the cellar stairs. There he overtook Lynch, whom he knocked out with a blow of his nightstick. Lynch was later revived by an ambulance surgeon. Leaving Lynch where he fell, Murphy continued into the cellar, where after a brief fight he subdued the other two men.

Said to Admit Killing Two

LOS ANGELES, March 16.—Sam Purpera, seventeen years old, confessed to two Cleveland officers here to-day, they said, that he killed George K. Farmer and William G. Sly, both officials of the W. W. S. Manufacturing Company, in Cleveland, December 31 last. Purpera was arrested here March 11.

Only 18 Minutes to Penn Station

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Pint of Beer Every 2 Weeks Is Ration Here

Physicians May Not Prescribe More as Tonic for the Present, Is Decree of Local Dry Director

Awaits New U. S. Ruling

Regulations Under Palmer Decision May Not Be Issued for Some Time

New Yorkers, whose physicians prescribe beer as a spring tonic, will be limited to a pint of that beverage every two weeks, it was announced yesterday by Charles R. O'Connor, Federal Director of Prohibition for this district. Mr. O'Connor said that the rule which has been in force all along will not be lifted until instructions to the contrary are received from the Internal Revenue Department at Washington.

A dispatch from Washington said that the drafting of regulations to carry out ex-Attorney General Palmer's beer opinion will be left to the successor of Commissioner Williams. As his successor may not be appointed for several weeks there is no immediate prospect of relief for persons needing beer for medicinal purposes.

Paul Myers, Deputy Commissioner of Internal Revenue, was in conference yesterday with Director O'Connor, Ernest Langley, the newly appointed acting enforcement supervisor and his assistants. It is understood this conference was chiefly concerned with the status of numerous small seizures of liquor, the legality of which has been contested.

Dealer Sues for Liquor

Giovanni Aquino, Inc., a wholesale liquor dealer at 906 University Avenue, the Bronx, brought suit in the United States Court yesterday to recover possession of 2,000 cases and twenty-five barrels of whisky and 233 barrels of wine, which were seized in a permit covering the liquors and that the seizure was made without a warrant. He asks damages in addition to the return of the wet goods.

When brought up for examination in Yorkville Court, John D. O'Connor, an enforcement agent, living at 422 East 133rd Street, was held in \$3,000 bail for trial on a charge of extortion and Joseph L. Dunn, of 250 St. Nicholas Avenue, another agent, was discharged on the same charge. Mike Varga, a restaurant keeper, of 300 East Seventy-fifth Street, who made the complaint, said he gave O'Connor \$50 after the two

—MEN'S SHOPS—

BOTHDALE

Cordovan

Shoes for Men

\$12

Cherry cordovan

perforated

but not by

the hair of

the horse

it comes from

Custom-looking

Custom-wearing

Custom-fitting

Franklin Simon & Co.

MEN'S SHOE SHOP